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8 *Attorney for Plaintiff*

9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA

11 JUSTIN O. REDDEN,
12 Plaintiff,
13
14 v.
15 KILOLO KIJAKAZI, Acting
16 Commissioner of Social Security,
17 Defendant.

No. 1:21-cv-01305-SKO

**STIPULATION AND ORDER FOR THE
AWARD OF ATTORNEY FEES
PURSUANT TO THE EQUAL ACCESS
TO JUSTICE ACT, 28 U.S.C. § 2412(d)**

(Doc. 22)

18
19 IT IS HEREBY STIPULATED by and between the parties through their
20 undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded
21 attorney fees under the Equal Access to Justice Act (EAJA) in the amount of SIX
22 THOUSAND FIVE HUNDRED THIRTY DOLLARS AND FIFTY CENTS
23 (\$6,530.50). This amount represents compensation for all legal services rendered
24 and costs incurred on behalf of Plaintiff, to date, by counsel in connection with this
25 civil action, in accordance with 28 U.S.C. § 2412(d).
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1 After the Court issues an order for EAJA fees and expenses to Plaintiff, the
2 government will consider the matter of Plaintiff's assignment of EAJA fees and
3 expenses to Plaintiff's attorney. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586 (2010),
4 the ability to honor the assignment will depend on whether the fees, expenses are
5 subject to any offset allowed under the United States Department of the Treasury's
6 Offset Program. After the order for EAJA fees and expenses is entered, the
7 government will determine whether they are subject to any offset.
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10 Fees and expenses shall be made payable to Plaintiff, but if the Department
11 of the Treasury determines that Plaintiff does not owe a federal debt, then the
12 government shall cause the payment of fees to be made directly to the Metsker Law
13 Firm, pursuant to the assignment executed by Plaintiff. Any payments made shall
14 be delivered to Plaintiff's counsel.
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17 This stipulation constitutes a compromise settlement of Plaintiff's request for
18 EAJA attorney fees and expenses, and does not constitute an admission of liability
19 on the part of Defendant under the EAJA. Payment of the agreed amount shall
20 constitute a complete release from, and bar to, any and all claims that Plaintiff
21 and/or Plaintiff's counsel may have relating to EAJA attorney fees and expenses in
22 connection with this action.
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1 This award is without prejudice to the rights of Plaintiff's counsel to seek
2 Social Security Act attorney fees under 42 U.S.C. § 406, subject to the offset
3 provisions of the EAJA.
4

5 Respectfully submitted,
6

7 Dated: December 21, 2022

/s/ John David Metsker
JOHN DAVID METSKER
Attorney for Plaintiff

10 Dated: December 21, 2022

/s/ Marla Letellier*
MARLA LETELLIER
*As authorized via email on
December 21, 2022
Special Assistant United States Attorney
Attorney for Defendant

15 **ORDER**

16 Based upon the parties' foregoing Stipulation for the Award of Attorney Fees
17 Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d) (the "Stipulation")
18 (Doc. 22), **IT IS ORDERED** that Plaintiff be awarded attorney's fees under the
19 Equal Access to Justice Act (EAJA) in the amount of SIX THOUSAND FIVE
20 HUNDRED THIRTY DOLLARS AND FIFTY CENTS (\$6,530.50), subject to the
21 terms of the Stipulation.
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26 IT IS SO ORDERED.

27 Dated: **December 21, 2022**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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